

Des Moines Register

CRIME & COURTS

Des Moines attorney sentenced to probation

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UPDATE:

Philip Moss pleaded guilty on Feb. 21, 2017, to two misdemeanor counts of possession of a controlled substance and two felony counts of failure to possess a tax stamp. He was given a deferred judgment and sentenced to two years of probation.

ORIGINAL STORY:

A Des Moines criminal defense attorney is facing felony drug charges after authorities found marijuana, hash, painkillers and other drugs during a June search of his townhouse.

A West Des Moines detective began investigating Philip Colt Moss after receiving anonymous information in February that the attorney was involved in "the use and sale of illegal narcotics," according to court documents. Moss, 33, has worked as a trial attorney at Wandro and Associates since 2012, handling criminal, employment and personal injury cases, according to the firm's website.

Investigators who searched Moss' West Des Moines townhouse June 6 found various drug paraphernalia, a jar with marijuana inside and another containing 47.9 grams of hash, according to court documents. Inside Moss' kitchen, bedroom and Jeep, authorities found an assortment of painkillers and other medicine that he had no prescription to possess, including 26 OxyContin pills.

Other drugs the authorities found included 47 Klonopin pills and a similar amount of Xanax, both drugs used to treat anxiety and panic disorders. Investigators also found four pills that contained methylphenidate, the active ingredient in Ritalin, and four zolpidem pills, a sedative.

A Polk County prosecutor filed formal charges Aug. 27 that included 12 drug charges against Moss, including eight felonies for possession of a controlled substance with intent to deliver and failure to possess a tax stamp. Moss plans to plead not guilty to all the charges in writing by Sept. 6, said Timothy McCarthy II, an attorney who is representing him.

Moss is currently on a leave of absence from work. He checked into an eight-week inpatient treatment facility outside of Iowa, McCarthy said.

"The whole idea that he was selling or trading or doing something to deliver drugs is not the case," McCarthy said. "We're going to plead not guilty to everything at this point, and hopefully common sense will prevail. He needs help. He's getting help, and he was not dealing drugs."

McCarthy said Moss will self-report his conduct to the state attorney disciplinary board at some point when he returns to Iowa. Any decisions about suspending an attorney's law license are made by the Iowa Supreme Court after a confidential investigation and hearing process.

As an attorney, Moss has received no disciplinary orders from the Supreme Court in the past, according to online records from the Iowa Judicial Branch. His license to practice law remains in good standing. He graduated from the University of Iowa in 2007 before going to law school in North Carolina, according to his online biography from Wandro and Associates.

"He's a fantastic attorney and quite frankly, we can't wait to have him back," said Steven Wandro, a longtime Des Moines attorney who established the firm. "Hopefully this will all pass, and he will be back here. He's a great kid and he's got a huge future in front of him."

Jeremy Kemmer, a West Des Moines narcotics detective assigned to the Mid-Iowa Narcotics Enforcement Task Force, wrote in a search warrant affidavit that he picked up trash from outside the attorney's townhouse four times between February and June after receiving the anonymous tip. Three times, the detective found bags or other items with marijuana residue inside, he wrote.

Curbing substance abuse and mental health struggles has been a topic of ongoing national conversation in legal circles.

In February, the American Bar Association released the results of an extensive study that found 21 percent of licensed attorneys in the U.S. qualify as problem drinkers, and 28 percent

struggle with depression. The problem is particularly acute among young lawyers in their first 10 years of practice, the study found.

The Iowa Lawyers Assistance Program, which receives some state funding, provides resources for attorneys struggling with a variety of problems, including alcohol and drug abuse, gambling addiction and mental health issues.